

### NEGLECT OF DUTY.

The most important Hawaiian measure which has been before Congress at this session is the item in the Deficiency bill covering the fire claims. At last accounts it had passed the Senate and was about to appear in the House where it must run the gauntlet of the appropriations committee. If there ever was a time when Hawaii needed a representative on duty it was when the Deficiency bill was passed down; but at the time, assuming that the bill went to the House according to program, the seat of the Delegate from Hawaii was vacant. He had gone home to lobby for a nomination, leaving, as far as is known, not a single fact, or brief or verbal argument which could be used to sustain the fire claims relief measure.

It was not that Mr. Wilcox lacked industry. He was busy enough up to the hour of his departure in trying to get the Tramways bill through for the man who paid his milk bill. Nor did he lack for epistolary zeal. Among the printed documents lately received from Washington is this remarkable document, which we reprint in its entirety:

HAWAII TRAMWAYS COMPANY, LIMITED.

Statement of Hon. R. W. Wilcox, Delegate from the Territory of Hawaii. A bill to permit the Hawaiian Tramways Company, Limited, to use and maintain electric traction.

I am in favor of this bill, gentlemen, and trust that it may be passed. There are, I believe, potent reasons why it should pass.

This company has maintained and operated its present street-railway line in Honolulu during the past (about) thirteen years, and are now asking Congress no greater grant than that they may be permitted by converting their horse-impeled line into an electric traction to give their patrons the more modern and convenient service.

If they are denied the right to make the improvements in the provisions of this bill, it will not only divest the company of an earning capacity but will compel many residents of Honolulu and its vicinity, living in sections traversed by this line, to either endure inferior accommodations or go to and from their homes by circuitous and inconvenient routes. Not only that, if they be not permitted to bring their service up to the standard of present and growing public requirement, they can not compete with the Rapid Transit Company—men with the disadvantage to which the latter must place the traveling public in the particular sections covered by the line of the former—and the result must speedily be to give this recent enterprise the Rapid Transit Company—a monopoly and place the traveling public of Honolulu at its mercy.

Independent of the Rapid Transit Company, and those directly and pecuniarily interested in it, I know of no opposition to this bill. I know of no opposition that could be reasonably urged against it. The franchise of the Hawaiian Tramways Company has some seventeen years yet to run. As evidence of their bona fides they have the new cars and necessary paraphernalia for at once carrying out the improvements sought to be permitted by this bill, and I trust that that which I should deem a great benefit to a large portion of the citizens of Honolulu may be granted by the passage of this measure.

ROBERT W. WILCOX.

Plenty of time for a private measure, the Tramways bill; no time for a matter that meant a million dollars reimbursement for property lost in the great fire. Yet Mr. Wilcox continues to draw his salary as Hawaii's representative at Washington.

One of the latest reports from Martinique is that a column of slime one hundred meters high, has been ejected from the crater of Mont Pelee. Evidently the big mountain is going into politics.

Col. Hawes is not the only registered victim of the judicial decision made some months ago that the right of way in the streets belongs to the drivers of vehicles and not to people on foot.

The Merchants' Fair should bring all the footloose people of the group together. It should be a sort of Territorial reunion as well as a fair and that is the shape it is taking.

Excursions from New Zealand to Hawaii were hardly looked for but one is coming on the Sierra. If it is a success there may be hope, later on, of excursions from the coast.

### JUDGE ESTEE HAD A BUSY DAY

In Federal Court yesterday Charles Fern and Kahanaui pleaded guilty to making swipes without having secured a United States license permitting them to run a brewery. Judge Estee imposed a fine of \$50 and costs upon each defendant, and issued a stay of execution for 10 days in which they are to pay the money.

The citation for contempt of Treasurer Wright in the Primo beer case was postponed until August 20, no action having been taken in the Court of Appeals as yet.

Russell & Watson have applied for a fee of \$250 as attorneys for the receiver in the case of the Austin Publishing Co., a bankrupt. There has already been one attorney's fee of \$100 allowed to E. C. Peters in the same matter.

The case of Waimanalo Sugar Co. vs. the Schooner Malolo is in prospect of settlement, and the parties were given ten days in which to file the required stipulation and discontinuance.

The arguments in the Lorenzen cases were concluded yesterday and the attorneys have three and five days in which to file briefs.

The bankruptcy petition of Toyofiro Murata of Kauai was denied by Judge Estee, because the petitioner was unable to state the amount of his debts, who his creditors are or where they live.

### HOLDERS TROUBLE

There are always two sides to a story and that told by L. L. McCandless with reference to a trespass case which is to be tried this morning at the Waiahole court house differs materially from that told by T. F. Lansing, the plaintiff in the case. A statement with reference to the proposed trial was published yesterday afternoon in which Mr. Lansing tells of alleged wrongs done him by Patrick Cullen in that the latter had torn down trespass notices from land claimed by Lansing, despite Mr. Lansing's protests.

According to Mr. McCandless' side of the story, which is in favor of Mr. Cullen, he says that in Mr. Lansing's land at Waiahole there are two house lots constituting about a quarter of an acre, each lying within the property owned by Mr. Lansing. The Cullens, who own these kuleanua, have grown trees on them, raised sorghum, fenced them in, and on one of the lots S. Cullen has lived for a quarter of a century. On Saturday Mr. Lansing went to Waiahole, accompanied by a helper, and allegedly without any notice whatever to the Cullens, tore down their fences, ploughed up the land, cut the sorghum, destroyed the trees and then took possession. Patrick Cullen came there afterwards and restored the fence, and again Mr. Lansing threw it down. The Cullens since Saturday have again rebuilt the fence.

McCandless says one of the lots was surveyed in 1879 by Prof. Lyons and Dove made a survey of the land in 1897, making the locations of the two lots at that time.

#### Passengers Per Ventura.

For San Francisco, per O. S. S. Ventura, sailing this morning, from Oceanic wharf, at 9 o'clock—Miss Mary L. Gardner, W. H. Scott and wife, H. C. Wall, Miss Mary Along, Miss E. M. Along, Mrs. F. B. McStocker and three children, Dr. J. S. Bishop, wife and two children, Mrs. W. T. Holden, M. J. Kennedy and wife, Miss Ella Scott, John Ena, Wm. Rodgers, Mr. and Mrs. Geo. Lehmer, Mrs. Schmidt, Mrs. McCully-Higgins, Mrs. Captain Goodwin, Miss Dron, Mrs. E. A. Fraser and two children, Mrs. J. D. Spreckels, Mr. and Mrs. Dowling and daughter, Miss E. Thomas, W. C. Weedon, Mrs. G. W. Fletcher, Miss Marx, Miss Whitaker, Mrs. C. J. Lewis, Mrs. W. King, Mrs. Charles Kellogg, Miss A. Kellogg, Rev. H. C. Wilson, C. A. Park and wife, Miss L. McNary, Mrs. A. Jaeger and daughter, A. Jaeger, Mrs. R. W. Anderson, three children and maid, Miss M. G. Borden, Miss M. M. Cooke, O. H. Snyder, wife and child, Q. H. Berry, Rev. A. Mackintosh, Mrs. M. Topham, J. W. Mason, J. D. Campbell, T. Stern, Hon. S. M. Damon, Mrs. Lancaster, Mrs. A. M. Congdon, L. A. Thurston and son, W. H. Heen, Miss Mae Hoehu, Miss Evelyn Hoehu, Dr. C. H. Douglas and wife, T. D. Cordon, Mr. and Mrs. Klein and children, Miss A. L. Gannon, Mrs. M. T. Simonton, Mr. and Mrs. Pedgrift and two children, Geo. D. Russell, Al. Tobin, Chas. Flannigan, Mrs. Lewins, Mrs. J. N. Henry, Miss Lampman, Miss Kellner, E. J. Hardgee.

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#### MORTGAGEE'S NOTICE OF INTENTION OF FORECLOSURE AND OF SALE.

NOTICE IS HEREBY GIVEN THAT pursuant to the power of sale contained in that certain mortgage dated May 11th, 1901, made by Grace A. Brown, wife of James Brown of Honolulu, Island of Oahu, Territory of Hawaii, as mortgagor, of the first part, the said James Brown of the second part and John M. Dowsett, Trustee, as mortgagor, of the third part, and recorded in the Hawaiian Registry of Conveyances in Liber 321 on pages 380-382, the mortgagee intends to foreclose the said mortgage for condition broken, to wit, the non-payment of interest when due. Notice is likewise given that the property conveyed by the said mortgage will be sold at public auction at the auction rooms of James F. Morgan, Queen street, Honolulu, on Saturday, the 26th day of July, 1902, at twelve o'clock noon.

The property covered by said mortgage consists of:

(1) All that lot, piece or parcel of land containing an area of 7345 square feet situate on Young street at Kulakahu, Honolulu, and comprising all the land mentioned and described in Royal Patent (Grant) 3454, issued to Grace A. Dodd.

(2) All that lot, piece or parcel of land containing an area of 7140 square feet situate on Young street, Kulakahu, Honolulu, and comprising all the land mentioned and described in Royal Patent (Grant) 3572, issued to Grace A. Dodd.

Together with all the rights, easements, privileges and appurtenances thereunto belonging.

J. M. DOWSETT, Trustee, Mortgages.

Terms: Cash, United States gold coin; deeds at expense of purchaser. For further particulars apply to Holmes and Stanley, attorneys for mortgagee.

Dated Honolulu, July 2nd, 1902. 6211-3254

#### DIVIDEND NOTICE.

THE GERMAN SAVINGS AND LOAN SOCIETY, 216 California street.

For the half-year ending with June 30, 1902, a dividend has been declared at the rate of three (3) per cent per annum on all deposits, free of taxes, payable on and after Tuesday, July 1, 1902.

GEORGE TOWN, Secretary.

### AGAIN REVERSED

Judge Gear was reversed by the Supreme Court yesterday in a unanimous opinion written by Justice Perry, in the case of H. M. Levy vs. W. K. Azbill.

This was the suit wherein Levy rented the Queen's Hotel premises from Rev. W. K. Azbill, paying down \$250. The plaintiff then attempted to sublease the premises which the defendant would not allow, and Levy sued to recover his money. Gear sustained the lower court, which found for the plaintiff. Judge Gear is held to have erred in his finding. "Whatever the precise terms of the agreement were," says the Supreme Court, "if indeed the parties did come to any more definite understanding as to the form of transfer, we think it clear that there is no sufficient evidence to justify the finding that Azbill agreed to sublease and to procure the lessor's consent thereto, or that he failed to carry out any agreement made by him. The case presented is one of a payment voluntarily made by the plaintiff to the defendant on a contract. The burden is on the plaintiff to show that the subsequent circumstances were such as to require the defendant to return the money to him, as, for instance, that defendant failed to perform his part of the contract. This burden has not been successfully borne by the plaintiff.

"The exceptions are sustained and a new trial ordered."

### RICH LAND

—IN—

### Central Kona FOR SALE

By order of REINNE RODANET, Trustee, I offer for sale those certain parcels of land situate at Onouli, South Kona, Island of Hawaii, described in Royal Patent (Grant) No. 1162 to F. O. Schulze, and containing 174 acres. Royal Patent (Grant) No. 2562 to Awahua and containing 739 75-100 acres, situate at Keopuka and Onouli, Island of Hawaii.

This is a tract of land of over 913 acres, situated in the most fertile and richest portion of the Island of Hawaii. It faces the new Government road, extends to the sea, and is five minutes' walk from Kealahou Bay, by way of the old Government road which runs through the property. Portions of the land are already under cultivation.

This tract is so situated that it is about midway between Kailua and Hookeana, and five miles from Napoopoo, three most important ports of the Kona district. It has sufficient elevation, running up to fourteen hundred feet, to be particularly healthful, and its soil is well adapted to the growth of sugar cane, coffee, fruits, dairying, or for the promotion of diversified farming.

Occupants of this land have easy access to several ports for export, and with the advent of the Kona Railroad will find themselves in close communication with the thriving City of Hilo. This, of course, affords a splendid opportunity for the exporting of farm products to the California markets.

With the revival of the Kona Sugar Co., considerable portions of this land can be successfully planted to sugar cane.

This is one of the most splendid opportunities for a good investment that has been put upon the market for a considerable period of time.

Further particulars of JAMES F. MORGAN, 65 QUEEN STREET.

#### ELECTION OF OFFICERS.

AT THE ANNUAL MEETING OF the stockholders of the Pacific Land and Improvement Company held at Honolulu, June 7th, 1902, the following officers were elected to serve for the ensuing year:

President—Yip See Young.  
Vice President—C. Q. Yee Hop.  
Secretary—Henry Loo Kong.  
Treasurer—Lum Hin.  
Auditor—Pong Lum Mow.

The above named officers, with the following, viz.: Pong Lum, Lee King Chin, Pong Mu Chee and Lee Ping, constitute the Board of Directors.

HENRY LOO KONG, Secretary.

#### NOTICE TO SHIPPERS.

SHIPPERS OF FREIGHT BY steamer of the Inter-Island Steam Navigation Company, Ltd., are hereby notified that a new form of shipping receipt has been adopted by the company to go into effect at once.

Freight will be accepted, however, on the old form of receipt up to October 1st, 1902, after which date freight will be received only on the new form of receipt, a copy of which can be seen at the office of the Company, Queen street.

INTER-ISLAND STEAM NAVIGATION CO., LTD.

J. ENA, President.

#### DIVIDEND NOTICE.

CALIFORNIA SAFE DEPOSIT AND TRUST COMPANY, corner California and Montgomery streets.—For the six months ending June 30, 1902, dividends have been declared on deposits in the saving department of this company as follows:

On term deposits at the rate of 3 to 10 per cent per annum, and on ordinary deposits at the rate of 3 per cent per annum, free of taxes and payable on and after Tuesday, July 1, 1902. Dividends unclaimed for are added to the principal after July 1, 1902.

J. DALZELL BROWN, Manager.

#### QUARTERLY MEETING.

C. BREWER & COMPANY, LTD.

NOTICE IS HEREBY GIVEN THAT the regular quarterly meeting of the stockholders of C. Brewer & Company, Limited, will be held at the office of the company in Honolulu, on Saturday, July 12th, 1902, at 10 o'clock a. m.

Dated Honolulu, July 5th, 1902.

E. F. BISHOP, Secretary.

#### PASTURAGE.

Please pasturage close to Honolulu, 300 acre run; for terms, etc., apply to 300 Stangenwald building.

### SYMPTOMS OF THE DUCK

Are symptoms of a weak, torpid or stagnant condition of the kidneys or liver, and are a warning it is extremely hazardous to neglect, so important is a healthy action of these organs.

They are commonly attended by loss of energy, lack of courage, and sometimes by gloomy foreboding and despondency.

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We shall be pleased to receive applications for loans upon choice business or residence real estate security.

In the scrutiny of such applications the following points will receive consideration:

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2nd—The Security as to Title, Improvements, Margin of Protection, etc.

The amount applied for must not be greater than 50 per cent of the value of the security conservatively estimated.

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